THE TRYAL OF WILLIAM ACTON, K

Deputy-Keeper and Lessee of the

Marshalsea PRISON

IN

SOUTHWARK,

AT

Kingston ASSIZES;

On Monday the 2d of August 1729.

For three several Indictments, for the several Murders of Capt. JOHN BROMFIELD, ROBERT NEWTON, and Capt. JAMES THOMPSON, Three Prisoners in the said Prison.

Audi Alteram Partem.

LONDON:

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[illegible]

THE TRYAL OF

WILLIAM ACTON for the Murder of JOHN BROMFIELD.

THE Indictment was read in *English*, which set forth, That the Prisoner being Deputy-Keeper of the *Marshalsea* Prison under *John Darby*, and of a cruel and inhumane Disposition, feloniously, wickedly, cruelly, and of Malice prepense, did, on the 15th of *July*, in the 11th Year of the late King, load the said *John Bromfield*, then a Prisoner under his Care, with large heavy Irons, and confin'd him in the Strong Room of the said Prison, (which is a damp, noisome, and pestilentious Place) and there detain'd him so fetter'd and iron'd without Bed or other Necessaries, until the 20th Day of *July*; by which cruel and barbarous Usage the said *Bromfield* was thrown into a Distemper, and continued a few Days in a languishing Condition, and then dy'd, &c.

The Prisoner desired the Indictment might be read in Latin, which was granted.

The *King's Counsel* opened the Indictment.

That the Deceased, who was a strong, hale, young Man, having the Misfortune to become a Prisoner for Debt, in the *Marshalsea* Prison, was, in a most terrible manner, abused and ill-treated by the Prisoner at the Bar: That he first confined him in the Hole, which is a small dark Place under the Stairs, not bigger than a Coffin, wherein the Deceased could neither sit nor stand upright; from these close Quarters he removed him into the Strong Room, having first most cruelly iron'd him, and kept him in the said Strong Room without Bed, Bedding, or any other Necessaries, from the 15th to the 20th of *July*, by which Cruelties, Barbarities, and Gaol-Discipline, the said *Bromfield* got his Death, and soon after died.

To prove which we shall call several Witnesses.

The First was,

William Wheeler, who swore, that *Bromfield* and *Perkins* (who was a Servant under *Allen*) standing together in the Chandler's Shop in the Prison, and *Perkins* desiring him to go up to his Room one Court-Day in the Morning, *Bromfield* privately stabb'd him in the Breast with a Penknife, and threw the Penknife down: Complaint of this being made to *Allen*, they took him away as refractory; in the Afternoon he had Irons on, and was put into the Hole 'till next Morning, which is a

Place

place under the Stairs, not high enough to to ſtand upright in, and there was order'd into *George's* Ward; had the Irons on four or five Days; believes he died the latter End of *June*; when he was dead his Corpſe was all black; the Surgeon ſaid he died of the Jaundice.

Being ask'd by the King's Council, Whether *Acton* was preſent when he was ſeized and carried into the *Lodge*, and if he gave any Orders for this Treatment? he ſaid, he could not ſay he was, or did give any ſuch Orders. And being ask'd, whether the Corpſe was black all over in one Blackneſs, or was black in Streaks? He ſaid, Black all over. Being ask'd, if any Inqueſt ſate upon him? No.

Court. You ought to prove that *Acton* order'd the Irons on him.

Hugh Martin, ſaid *Bromfield* and he were Bedfellows in the Nurſery, and *Bromfield* would not go up, on the Court-Day, *John Perkins* and he had a Scuffle, and *Bromfield* ſtabb'd him privately; the Doctor was immediately ſent for; they thought he had kill'd him. *Acton's* Servant took *Bromfield* out of the *Pound*, and carried him into the *Lodge*. Being ask'd, if *Acton* was there? ſaid, No; he was always in the Yard of Court-Days: That the Deceaſed was put into the Hole, and then in the Strong Room, and ſoon after died for want of Neceſſaries and by the Uſage he had, and ſaid, People were apt to judge, he died of the Jaundice. Being ask'd, in what Time he died after this? he ſaid, In about Three Weeks.

John

John Saunders knew *Bromfield* very well, ſaid *Nicolls* and *Rogers* brought him out of the Pound by *Acton*'s Orders, who follow'd them, and order'd the Irons on; he was put in the Hole three Days, and was let out now and then, he ſaw him (the Deceas'd) every Day.

Being asked what ſort of Place the Hole was, he ſaid the Deceas'd could not ſtand upright in it, nor durſt lie down, it was ſo damp; ſaid, there was an old Chair in it.

Court. Did *Acton* order any thing beſides the Irons? He did not hear him order the Deceas'd to be put in the Hole. Being ask'd again, he ſaid, *Acton* did order him into the Hole. He heard *Bromfield* ask *Acton* to take his Irons off, who told him he could not without Mr. *Darby*'s Orders. The Deceas'd was then put into *Georges*'s Ward, and he look'd like an healthful Man. That he dy'd in a Fortnight, or thereabouts, and believ'd this Uſage was the Occaſion of his Death. That he helped to put him in his Coffin, and that his Body was black and yellow; ſaw no Marks of any Strokes upon it; and that the laſt Word he ſaid before he dy'd was, that this ill Uſage was the Occaſion of his Death.

Being ask'd by the King's Council, if any Inqueſt was upon him; ſaid No, he was buried in two Hours after he died.

Martha Johnſon ſaid, ſhe knew *Bromfield*, never ſaw any thing done to him by *Acton*; ſaw

saw him Iron'd, and in the Hole, and saw him dead. And being ask'd if there were any Marks upon his Body; said she could not tell, he was cover'd.

And here the King's Council rested their Evidence.

The Court. Prisoner, you have heard the Charge and Evidence against you, you now stand upon your Defence.

Acton. My Lord, the Deceas'd *Bromfield* having stabb'd *Perkins* with a Penknife, I went into the *Burrough* to fetch a Surgeon; before I return'd, Mr. *Darby* order'd him into Irons, which he had on four or five Days; after this he was very well, and had the Yellow Jaundice, of which he died sometime after. He had offered to stabb several; and to prove this, I shall call several Witnesses.

George Cary. When *Bromfield* had stabb'd *Perkins*, Mr. *Acton* went for the Surgeon, during which time *Littleton* came into the Lodge, and with two or three more, Iron'd *Bromfield*, and put him into *George*'s Ward. That *Littleton* order'd him into the Strong Room, and that he was iron'd before *Acton* return'd with the Surgeon: After he was let out he was in good Health, and so continued for a Month, and dy'd in about six Weeks of the Yellow Jaundice; that a Week before his Death he saw him, and he was black and yellow.

Being

Being asked by the King's Council, if he was in Health when he was iron'd? he said he was not; and if *Acton* gave any Orders to iron him before he went for the Surgeon? he said he did not. That *Littleton*, after he had iron'd him, carry'd him to the Common Side.

Being ask'd by the King's Council, if he was not put into the Hole, said he did not know that he was in the Hole; for he saw him carried to the Common Side, and that *Acton* brought the Surgeon, and stood by *Perkins* while he was dress'd.

Francis Cartwright depos'd, That he saw *Perkins* bleed, and *Acton* went for the Surgeon; and whilst he was gone, *Littleton* iron'd him, and put him in the Hole, which was done before *Acton* return'd.

Being ask'd by the King's Council, if *Acton* did not give Orders to iron him before he went, said no: That *Bromfield* was about six Hours in the Hole, and then was removed to the Common Side, where he remained about a Month; that he was a very mischievous Person, and died, as he believes, of the Jaundice.

Joseph Wood, the Surgeon, depos'd, That *Acton* came for him to a Person wounded, he came and dressed him, and in a Day or two came again, and saw *Bromfield*, and he was in good Health; and having Irons on, he, *Bromfield*, told him *Darby* had order'd him to be iron'd, not *Acton*, for *Acton* was always kind

to

to him: He saw *Bromfield* in the Yard next Day, and talk'd some time with him.

Lewis Jones, Surgeon, depos'd, That *Bromfield* was iron'd by *Littleton*; that he had wounded *Perkins* in *April*, and remain'd till *June* on the Common Side, and was well till he had the Yellow Jaundice and Fever; and that *Acton* was kind to him. And being ask'd by the King's Council how he was kind to him, he said both with his Purse and his Table.

And here the Prisoner rested his Defence.

The Court summ'd up the Evidence, and left the Matter to the Jury, who, without going out of Court, acquitted the Prisoner of the Indictment.

The said *William Acton* was a Third Time indicted, for the Murder of Captain *Robert Newton*.

The Indictment was read in *English*, and set forth, That the said *Acton* being Underkeeper, &c. of the said Prison, and being a Person of a barbarous and inhuman Disposition, &c. on the 15th Day of *September*, 1725. did barbarously, feloniously, wickedly, and of Malice fore-thought, load the said *Robert Newton*, then a Prisoner in the said Prison, and confined him in the Strong Room, which is a damp noisome Place, without any Bed, &c. untill the 10th of *October* following, by which cruel and ill Usage, the said *Robert Newton* soon after died, &c.

The Prisoner desir'd this Indictment might also be read to him in *Latin*, which was done.

The *Council for the King* proceeded to open the Indictment.

That this poor unfortunate Prisoner, the Deceased, falling under the Displeasure of Mr. *Acton*, was by him loaded with heavy Irons, confin'd in the noisome Strong Room for the Space of Three Weeks, and that *Acton*, tho' he had a Special Order from the Judge, to release him, yet he would not, by which cruel Usage he was reduced to a very miserable Condition, and was manifestly very near the Point of Death; which *Acton* being apprehensive of, then, and not 'till then, for his own Sake, took him out, and put him into the Sick Ward: But it was too late to administer any Help to him, for he expir'd within Two Days.

And to prove this called several Witnesses.

The First was,

Capt. *Benjamin Tedman*, who depos'd, That the deceased *Newton*, and *Park*, having made their Escapes out of the Prison, were re-taken, and *Newton* was iron'd in the Lodge, and put in the Strong Room, and was removed into the Sick Ward.

Being ask'd, if he saw him in the Strong Room? he said, No; he said, he saw him four or five Days before he died; that he died in the Sick Ward.

Being ask'd by the King's Council, if Mr. Serjeant *Darnell* did not, upon a Petition, order his Irons off? No.

The

The *Council for the Priſoner* oppoſed this Queſtion; becauſe if there was any ſuch Petition and Order made, they ought to produce it in Writing and atteſt it.

The *Council for the King* ſaid, it might be a parol Order, and might be given in Evidence.

The Witneſs being ask'd as to the Strong Room, ſaid 'twas built of Wood, no Common Shore near it, but about 20 or 30 Foot off it; ſaid there was no free Paſſage of Air in the Room.

Being ask'd by the King's Council, who order'd the Irons on the Deceas'd, ſaid he ſuppos'd either Mr. *Darby* or Mr. *Acton*. Said there was no Inqueſt upon his Death; did not know how long the Deceas'd liv'd after he was remov'd from the Strong Room.

Edward Carr, who depoſed, that he ſaw *Newton*, after he was re-taken, brought out of the Lodge by *Rogers* and another, in Irons, and that he was put into the Srong Room, where he continued two Court Days: That *Newton* was a fat, jolly, young Man; that he fell ſick in the Strong Room, and was removed to the Sick Ward, where he dy'd, he believes, of the Goal-Diſtemper.

Being ask'd by the Court, how heavy the Irons might be that *Newton* had on, *he anſwer'd very pertly, that he had never weigh'd them*; and the Court inſiſting upon a fairer Anſwer, he unwarily confeſs'd, that they

were the very ſame he himſelf had *experienc'd about his Heels* for the Space of ten Days, which were only 20 *Pounders*.

Being ask'd if he ſaw *Acton* in the Lodge when *Newton* was iron'd? ſaid, No; nor knew he, whether *Acton* gave any Orders about them.

Being ask'd by the Court, whether the Door of the Strong Room was unlocked or not, every Day? He ſaid, it was open every Day, but had an odious Smell, and no Air in it.

Being ask'd by the King's Council, if the Sun ever viſited the Strong Room? He ſaid No; it was wet at Top, and that the Priſoner was taken out of it becauſe he was ſick, and carried to the Sick Ward.

Being ask'd whether Mr. Serjeant *Darnel* did not, upon Petition, order him out of the Strong Room; ſaid, he knew nothing of that. He ſaid he was with him in the Sick Ward two Days before he died, and believed the Confinement and ill Uſage was the occaſion of his Death.

Acton deſired he might be ask'd, if the Deceas'd was not let out of the Strong Room every Day. He ſaid Yes, every Day except the two firſt Days.

The Court ask'd him, whether *Harkneſs* that was confin'd in the ſame Place, and had the ſame Irons, got any Harm? He ſaid No; but ſaid the Room was damp, there being a ſmall Space between the Wall

and

and the Side of the Room, the Water ſtays there, and there is a bad Smell in it, and abundance of Rats about it.

Edward Phillips. Who depos'd, That *Harkneſs* and *Newton* were re-taken and put into Irons, and that *Acton* was in the Lodge when the Irons were put on, and then they were put into the Strong Room, which is a damp, unwholeſome Place, and the Common Shoar within three or four Yards of it, and infeſted with Rats; that the Deceas'd was ten or twelve Days in it, and believes that he was removed by Petition, and the Judges Order. The *Council for the Priſoner* ſaid, then you ought to produce it.

And being ask'd by *the Court*, how *Harkneſs* did, that was confin'd in the ſame Place? Said, very well. And being ask'd if the Rain comes into the Strong Room? Said, it came in through the Boards, and that it was not a Place fit for an human Creature to be in; ſaid *Newton* was a ſtrong young Man, and that he died in a few Days after he went into the Sick Ward; and believes this Uſage the Occaſion of his Death; for he was in great Want.

Robert Smith. Who depos'd, That *Newton* was a luſty, hale Man, that he was in the Strong Room, he ſaw him thro' the Hole in the Door; that the Strong Room is a noiſome Place; he was never in it; ſaw it once open, and Nobody was admitted to *Newton*: He

was

was there two or three Times, and the Door was ſhut.

Lieut. *Charles Baptiſt de Montet*, being produced, he ſaid he was a *Frenchman*, he could not ſpeak *Engliſh* but a very little; the King's Council deſir'd he might have an Interpreter ſworn; the Priſoner's Council alledg'd he could ſpeak *Engliſh* enough to be underſtood, which by his Way of ſpeaking, appear'd to the Court; ſo he was ſworn (the King's Council conſenting) in *Engliſh*: He depos'd, that *Newton* eſcaped, and was re-took, and was iron'd, and put into the Strong Room (which is a very ſad Place) by *Nicolls* and *Rogers*, by *Acton*'s order, and that *Acton* came to the Door of the Strong Room when they put him in; that *Newton* fell Sick there, and was remov'd into the Sick Ward, and there died.

Martha Johnſon depos'd, That ſhe knew nothing who iron'd him, or put him in the Strong Room.

Hannah Butler depos'd, That *Newton* eſcap'd and was re-taken, was put in the Strong Room by *Acton*'s Orders, and was two Months in it, and thinks he fell ill there, and that he was carried into the Sick Ward, and died in two or three Days after. Being ask'd as to the Strong Room, ſaid, the Rain comes through the Boards, and the Common Shore juſt by it; ſaid the Deceaſed's Legs were very ſore with the Irons, that they were too tight for him.

Nicholas

Nicholas Purden being ask'd as to the Strong Room, said, it rain'd in every time it rain'd; but being ask'd what Time he spoke to, said about a Year and an Half ago.

The Court. This is not Evidence to the Time laid in the Indictment.

Edward Comyns. He depos'd, that he saw the Strong Room at the Time when the Deceas'd and *Harkness* were in it, and that it rain'd in at that Time, and was unwholesome.

Here the King's Council rested the Evidence.

The Court. Prisoner, you hear the Charge and Evidence against you.

Acton. Please your Lordship, I am also Innocent of this Matter. *Newton* and *Harkness* were Prisoners; made their Escapes on the 26th of *July* 1726, and were re-taken, and Complaint being made to Mr. *Darby*, he order'd them into the Strong Room, where they were at Nights. That *Newton* was well in Health a great while after, and died of the Goal Distemper. And to prove this, I shall call several Witnesses.

The first was,

Robert Holmes, who deposed, That when *Newton* and *Harkness* were re-taken, he went to Mr. *Darby*, by *Acton's* Order, to know what must be done with them; and that he (*Darby*) order'd them to be put in Irons, and to be put in the Strong Room, and he (the Witness) came back to *Acton* and told him so,

and

and they were put into Irons the next Day, when *Darby* was there; they were lock'd up and unlock'd, as the reſt of the Priſoners were, only at Night; they were in Irons Seven or Eight Days, and were in perfect Health. The Deceaſed was removed to *Duke*'s Ward, where he continued Six Weeks in perfect Health; he play'd with him at Trap-ball ſeveral Times, and often eat and drank with him. Then he was removed into the Sick Ward, where his Wife and Friends viſited him, and he died of the Gaol Diſtemper; and at that Time ſeveral others died of it.

Being ask'd by the *King's Council*, as to what Time the Deceaſed was re-taken, and how long he was in the Strong Room, and how long it was between that Time and the Time that he died? he ſaid, He was re-taken in *Auguſt*, and that he was Eight Nights in the Strong Room, and that he died in *November*, and never heard him make any Complaint of *Acton*; that he got his Illneſs in *Duke*'s Ward, which contains about Thirty or Forty Priſoners.

Being ask'd by the *King's Council*, what Place he had in the Priſon, or if he was a Servant under *Acton*? he ſaid, No; nor had no Place; was a Turner by Trade, and lodg'd in the *Marſhalſea* by *Darby*'s Permiſſion.

Acton deſir'd he might be ask'd, whether ſeveral of the Priſoners did not deſire to lye in the Strong Room? ſaid, Yes, ſeveral of them did.

And

And being ask'd by the *King's Council*, who they were that desir'd it? he said, Captain *Thompson* was one that did, and 'twas granted; said, the Strong Room was built about Four Years since, and was a dry wholesome Room.

Robert Watson depos'd, That the deceased *Newton* was put in the Strong Room Seven or Eight Days, and then he was removed to the *Duke*'s Ward, where he got the Gaol Distemper.

Being ask'd by the *Prisoner*, what sort of a Room that was? he said, it was a dry good Room; he was sure he had wrought in it many a Time, and many a good Day, and glad was he that he could be in it.

Being ask'd, if *Newton* had any Bed or Bedding in it? Yes, for he lent him a Bed.

Being ask'd, by the *King's Council*, how he came to have a Bed to spare, to lend him? said he had several, for he bought them of the poor Prisoners when they went out, and so sent them out to others.

Being ask'd, when *Newton* was retaken, and when he died? said, he was re-taken the latter End of *August*, and died in *November*.

Being ask'd, if the Strong Room was ever lock'd up in the Day-time? said, it was not.

Mary Harkness, being ask'd if *Newton* had any Bed in the Strong Room? said, he had such a Bed as other Prisoners have, which is a long Pillow that a Man can turn himself upon, and that he was very well in the Strong Room,

and liv'd Six Weeks after it, or more. She ſaid ſhe was Wife of Mr. *Harkneſs*, who was in the Strong Room with *Newton*, and wiſh'd her Husband had remain'd in it all the Time he was in the *Marſhalſea*.

She ſaid *Newton* was very well when he went out of the Strong Room, and liv'd Six Weeks after, or upwards; ſhe never heard him make the leaſt Complaint of any ill Uſage from *Acton*, and ſaid the Irons never hurt him. That Mr. *Darby* order'd them upon him; ſhe apply'd to Mr. *Darby* to take them off, which he accordingly did; that her Husband and *Newton*, after they came out of the Strong Room, often drank together, and were well; and ſaid, that *Newton* had a Bed in the Strong Room.

The Court took Notice, that 'twas charg'd in the Indictment, that the Deceaſed had no Bed in the Strong Room.

Mary Baſton depos'd, That *Newton* had a Bed in the Strong Room, and that it was an wholeſome Room, that it was kept very clean, for ſhe waſh'd it every Day with her own Hands; that *Newton* went from thence into the *Duke*'s Ward, where he was about Seven Weeks, then went into the Sick Ward, and died of the Gaol Diſtemper.

Being ask'd by the *King's Council*, what Diſtemper that was? ſaid, it was an Ague and Fever. Being ask'd, when he died? ſaid, in *November*. That when he was in the Strong Room,

Room, he often laugh'd and ſmil'd at his Fetters; when he was dead, ſhe waſh'd him all over, and he was clean and white, and had no Sign or Mark of any Irons.

Being ask'd by the *King's Council*, if ſhe had not a Place of Nurſe in the Gaol, and if ſhe was put in by *Acton*, or not? ſhe ſaid, ſhe was choſen by the Priſoners, who paid Three-pence apiece to her when they came in; and ſaid, if *Acton* did offer to hinder them from chooſing their own Nurſe, they would ſoon pull him to Pieces; ſhe ſaid, they choſe her becauſe *ſhe was a ſober modeſt Woman*.

John Boſwell, ſaid he was a Carpenter, he built the Strong Room, 'tis an wholeſome dry Room, Nine Inches from the Ground, and the Common-Sewer Four and twenty Foot from it; it was built with a Deſign to put the Pyrates in; 'tis cover'd with Whole Deel at Top, well pitch'd and tarr'd.

William Morris, a Carpenter, who depos'd, that this Strong Room is a better and wholeſomer Room than any of the Common-Side, it going with an Aſcent from the Ground; there is no Common-Sewer nearer it than Four and twenty Foot on one Side.

Mrs. *Overſteene* depos'd, that ſhe heard Monſieur *de Montet*, (the *Frenchman*, that was a Witneſs againſt *Acton*) on the 14th of *July* laſt, ſay, That he would hang *Acton*, right or wrong; and that *ſome Gentlemen* maintain'd him for that Purpoſe.

The Court order'd Monſieur *De Montet* to appear, to confront this Evidence; and he was placed near her, and denied the Accuſation with ſingular Warmth.

Elizabeth Clayton confirm'd to his Face Mrs. *Overſteene*'s Evidence, and ſaid, that the 14th of *July* laſt, in the Celler of the *Fleet* Priſon, he ſaid, that Rogue *Acton* had deſtroy'd above an Hundred Men, and he would hang him if he ſent his own Soul to the Devil, to be an Example to all Gaolers.

Here the Priſoner reſted his Defence.

The Court ſumm'd up the Evidence to the Jury, who, without going out of the Court, acquitted the Priſoner of this Indictment.

The ſaid *William Acton* was a Fourth Time Indicted, for the Murder of Captain *James Thompſon*.

The Indictment was read, which ſet forth, That the ſaid *William Acton* being Under-keeper of the ſaid Gaol, and having the Care and Cuſtody of the Priſoners there, and being a Perſon of a barbarous, *&c.* and knowing that the ſaid *James Thompſon* was a weak infirm Perſon, and that he had a Diabetis, did confine him in the Strong Room for ſeveral Days, which is a noiſome dangerous Place, *&c.* and there the ſaid *Thompſon* died, *&c.*

The *King's Council* open'd the Indictment.

That

That this Fact charged upon the Priſoner at the Bar, by this Indictment, was of a more extraordinary Nature, and was attended with ſome Circumſtances that were more aggravating than any of the reſt were: That the Priſoner, tho' he knew the deceaſed Captain *Thompſon* to be a Perſon of a weak ſickly Diſpoſition, and afflicted with a Diabetis, yet he order'd him to be confined in the Strong Room, without any Provocation whatſoever, where the Deceaſed languiſhed a few Days, and then died in it.

And to prove this they called ſeveral Witneſſes.

The Firſt was,

Edmund Comyns, who depos'd, that he knew the Deceaſed in the *Pump* Ward, and that ſome of the Company of that Ward complaining that he was troubleſome to the Ward, by means of his Urine, he was removed to the Strong Room, where he ſtay'd Five or Six Days, and there died, and was found dead one Morning, his Face being disfigured with the Rats, and believed the Strong Room was the Occaſion of his Death; that he was buried the ſame Morning, at Nine o'Clock, and no Coroner's Inqueſt ſate upon him; and that he ſaw him carried to the Strong Room in *Acton*'s Preſence, againſt his (the Deceaſed's) Will.

Matthew Brandon, who depos'd, that Captain *Thompſon* being complained of by the Priſoners of the *Pump* Ward, for being noiſome

ſome as to his Urine, he was removed to the Strong Room, but did not hear *Acton* give any Orders for it; he viſited him in the Strong Room, and ſome Priſoner had lent him a Piece of a Cadda and a Quilt to lie upon: His Side was ſore and angry, and his Thigh was red; ſome Time after, he, the Deceaſed, ſaid, his going thither would be the Death of him; that after his Death he ſaw his Side, and it did not look ſo angry: That *Wilſon*, *Comyns*, and he, applied to *Acton*, and repreſented his deplorable Caſe to him, and he bid them go about their Buſineſs.

Jenings, who ſaid, he was a Watchman under *Acton*, in the *Marſhalſea*, and that he heard *Acton* give Orders for the Deceaſed's be removed to the Strong Room, where he lay without a Bed: Being upon the Watch one Night, he heard him groan, and asked him, how he did? the Deceaſed reply'd, faintly, he ſhould not live 'till Morning; whereupon he went to *Acton*, and acquainted him, that Captain *Thompſon* was dying; he reply'd, What's that to you? let him die and be damn'd. He died next Morning; believes his Death was occaſioned by his hard lying.

Being ask'd by the *King's Council*, if the Room was ever waſh'd? he ſaid, he believ'd not in ſome Years, and that it is an unwholeſome Place. Being ask'd by the *King's Council*, if the Deceaſed had committed any Crime to deſerve this Uſage? he ſaid, he had not.

Mary

Mary Casband depos'd, she knows not on what Occasion he was removed to the Strong Room, nor never heard *Acton* give any Orders about it; she saw him there several Times; he was in a miserable Condition; he said, he believed it was the Occasion of his Death; his left Side was mortified by the Wet, and lying on the Boards; within half an Hour after his Death, the Rats eat out his right Eye, and one Ear.

Being ask'd by the *King's Council*, as to the Strong Room, she said, she herself was order'd there from the 1st to the 7th of *February*, and several Barrow-fulls of Dirt and Dung was then in it, and Twenty Rats at once would be in it. She said, there were no Searchers in the Prison, to search how they died: She said, she visited the Deceased of her own accord, and carried him Mutton Broth.

Thomas Snape, who depos'd, that the Deceased was removed from the *Pump* Ward to the Strong Room, but knew not whether it was by his own Consent or not; then he was removed to the *Pump* Ward, and then to the Strong Room again, and died in the Strong Room; when he was dead he saw one of his Sides mortified, which he believed, was by the Hardships he had sustained in the Strong Room, where he had no Bed; saw him go in and out several Times, three Days before he died.

Eleanor

†

Eleanor Eures depos'd, that he died the 19th of *July*, he was her Unkle, ſhe adminiſtred to him.

Matthew Bacon depos'd, that the Deceaſed was removed from the *Pump* Ward to the Strong Room, where he lay about Ten Days, and died; that he had no Bed, only a Piece of Blanket under his Head, and complained the Hardſhips would kill him, but did not complain of *Acton*.

Being ask'd by the *King's Council*, if the Strong Room was ever waſh'd? he ſaid, not often: He ſaid, it was a Place kept for the Perſons that offended the Keeper.

And being ask'd, if there were not other Rooms fitter for the Deceaſed? Yes, he ſaid, there were.

Peter Purchaſe, who depos'd, that Captain *Thompſon* was taken out of the *Pump* Ward, and put into the Strong Room, againſt his Inclinations, but did not know whether *Acton* gave Orders for it, nor was *Acton* by; that *Nicolls* and *Rogers* removed him; ſaid the Strong Room never was waſh'd nor clean'd, and was a naſty unwholeſome Room; that *Wilſon* and he apply'd to *Rogers*, at the *Lodge*, to have the Deceaſed removed out of the Strong Room, to no Purpoſe; and that the Deceaſed ſaid, the Confinement would be his Death, the Night before he died, and that his Thighs look'd as if they were mortify'd.

John Wilſon depos'd, that Captain *Thompſon* was a ſtrong, merry Man, us'd to ſing Songs and Chorus's, was put in the Strong Room by *Nicolls* and *Rogers*, they ſaid, by *Acton*'s Order: He was there a Week, and that the Water came in at the Top of the Room; he ſaw it come in, and with that and his own Water under him alſo, he lay very wet; that he apply'd to *Acton*, and acquainted him, Captain *Thompſon* would periſh in that Place, if he was not removed, and that *Acton* bid him go about his Buſineſs; then he apply'd to the Nurſe, and deſir'd her to remove him into the Sick Ward; the Nurſe told him, ſhe could not do it, for that he was ſo noiſome with his Urine, the Ward would not ſuffer it.

Being ask'd by the *King's Council*, if the Strong Room was ever waſh'd? he ſaid, it was not; and ſaid, the Tarpoline that it is now cover'd with, was put on but lately. He ſaid, he believed this hard Uſage was the Occaſion of his Death.

Edward Phillips, who depos'd, that Captain *Thompſon* having a Diabetes in the *Pump* Ward, was removed into the Strong Room by *Acton*'s two Servants, for being offenſive to the Ward with his Urine, therefore he was removed; he was in a miſerable, deplorable Condition; ſaid that he was with him the Night before he died, and that he ſaid, the hard Uſage was the Occaſion of his Death.

Being ask'd by the *King's Council*, ſaid the Room was never waſh'd; ſaid he believed the Confinement and the Diabetes were the Occaſion of his Death; that he ſaw an Hole in his Side, he could put half his Hand in.

Being ask'd by the *King's Council*, if there were not other Rooms empty at that Time the Captain might have been put in? ſaid, Yes, there were.

Here the *Council for the King* reſted the Matter.

The Court. Now, Priſoner, you have alſo heard this Evidence againſt you.

Acton. I am, my Lord, alſo innocent of this Accuſation.

Captain *Thompſon* being in the Pump Ward, they took away his Coat off his Back, and he complain'd to me, that they ſaid he ſtunk, and had fined him ſeveral times, on account of his Diabetes, a Quart of Gin, and made him lie on the Piſs Tub, and he came to me and deſired he might lie in the Strong Room; and to prove this, I ſhall call ſeveral Witneſſes.

The firſt was *Chriſtopher Goſlin*, who depos'd, That *Thompſon* came to *Acton*, and deſired to lie in the Strong Room, they tormented him ſo in the Ward on account of his Diſtemper; his Water running through him, he was a great Annoyance, whereto *Acton* ſaid he might, if he would, and he afterwards declared he was much obliged

to

to *Acton*, to give him leave to lie there. He was in the Pump Ward about Six Weeks.

Being ask'd by the *King's Council*, if he desired to be removed, he said Yes, that he did; said, he had a Bed in the Strong Room, that is, such a Bed as the Prisoners have, which is a large Pillow. He said many of the Prisoners desired to be in the Strong Room, rather than the Wards.

Robert Holmes depos'd, That Captain *Thompson* desired to go into the Strong Room, they beat and abused him so in the Pump Ward on account of his Distemper; and that when he was in the Strong Room, he had his Liberty to go in and out when he pleased.

Elizabeth Goslin, who depos'd, That Capt. *Thompson* desired to be removed into the Strong Room, and had his Liberty to come out and go in as he pleased.

Benjamin Brown, who depos'd, That Captain *Thompson* was, at his own Desire, put in the said Room, and he heard him pray, God bless Mr. *Acton* for being so good to him; for the Ward made him pay a Quart of Gin every Time he pis's'd thro' his Hammock, and that *Acton* had sav'd his Life by removing him.

Being ask'd if he had a Bed in the Strong Room; said, he had.

Mary Barton, who depos'd, That Captain *Thompson* desired *Acton* to lie in the Strong

Room, for there he was quiet, he ſaid, and at a Diſtance from them; he ſaid he might go to the Ward if he would, but choſe the Strong Room; ſaid he had ſuch a Bed there as other Priſoners have: And being ask'd by the *King's Council*, if ſhe was not a Nurſe under *Acton*, ſaid No; ſhe was choſe by the Priſoners, and that if the Priſoners were not ſuffered to chuſe their Nurſe, they would pull them to Pieces.

She ſaid the Door was always open, and he might go out and in when he pleaſed.

John Boulder depos'd, he was in Company with Captain *Thompſon* in Pump Ward, and he deſired to be removed into the Strong Room, and that he took his Bed and Bedding with him.

Nathaniel Devenik depos'd, That Captain *Thompſon* having a Diabetes, was noiſom in the Ward, and deſired to be removed into the Strong Room.

Robert Walter depos'd, That he had a Bed in the Strong Room, and Liberty to go out and in, and had a Nurſe, and that all Care was taken of him.

Benjamin Johnſon depos'd, That the Capt. carried his Bed with him into the Strong Room.

Ralph Malbon depos'd, That the Captain being abus'd in the Ward, got leave of Mr. *Acton* to go into the Strong Room.

Thomas

Thomas Fletcher depos'd to the same Purpose.

And here the Prisoner rested his Defence.

The Court summed up the Evidence to the Jury, and as they did before, they acquitted him without going out of Court.

FINIS.

Just Publish'd,

THE Tryal of *William Acton*, Deputy-Keeper and Turnkey of the *Marſhalſea* Priſon in *Southwark*, at *Kingſton* Aſſizes; on *Friday* the 1ſt of *Auguſt* 1729; Upon an Indictment for the Murder of *Thomas Bliſs*, a Priſoner in the ſaid Priſon.

[Price Six-pence.]